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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,829	09/24/2003	Mark A. Stansbury	NSAC-2	5707
53450 7590 07/08/2008 KRIEG DEVAULT LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204-2079				
EXAMINER				
KING, ANITA M				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/669,829

Applicant(s)

STANSBURY, MARK A.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12, 15, 17-22, 26, 28-31, 34, 35, 40, 43, 45-53 and 56-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12, 15, 17-22, 26, 28-31, 34, 35, 40, 43, 45-53 and 56-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This is a final office action for application number 10/669,829, Furnace Mount and Method of Installation, filed on September 24, 2003. This application is a continuation of application 09/941,524, filed August 29, 2001, now abandoned.

Cancellation of Claims

Claims 1-4, 13, 14, 16, 23-25, 27, 32, 33, 36-39, 41, 42, 44, 54, and 55 have been canceled per applicant's request.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29, 45, 48, 50, and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The above mentioned claims cite the limitation the "plurality of furnace mounts are coupled to the furnace free of any mechanical fasteners"; this limitation negates the claim language of claims 21, 40, 46, and 50 from which the above claims depend. The adhesive surface or adherent component cited in claims 21, 40, and 46 is a mechanical fastener and thus, claims 29, 45, and 48 have not been further treated on their merits.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5, 8-11, 26, 30, 31, 34, 35, 40, 43, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,887,283 to Brabson in view of U.S. Patent 3,326,508 to Born. Brabson discloses a mount (20) capable of supporting a furnace above the floor, the mount comprising: an integrally formed main body member having a first surface adapted to engage the floor and a second surface spaced from the first surface and adapted to support the furnace above the floor, the main body member including a pair of integrally formed upstanding wall members (21) defining a locator portion to abut an outer surface of the furnace and position the furnace relative to the main body member; wherein the upstanding wall members extend substantially along two sides of the main body member; wherein the main body member has a first vertical length and at least one of the upstanding wall members has a second vertical length; and wherein the mount is a rigid body.

Brabson discloses the claimed invention except for the limitation of an adherent component connected with the main body member and located proximate the second surface and a vibration dampening material located on the second surface. Born teaches a mount having a main body member (22), the main body member having a first surface and second surface spaced from the first surface an adherent component connected with the main body member and located proximate the second surface, the adherent component including an adhesive surface (21A) adapted to engage and

couple the main body member with a furnace, wherein the adherent component includes a vibration dampening portion (21) located between the second surface and the adhesive surface, wherein the adhesive surface is substantially parallel with the second surface, wherein the vibration dampening portion includes an elastomeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Brabson to have included the adherent component and the vibration dampening material as taught by Born for the purpose of improving the grip between the mount and the adapted body, i.e., the furnace and for the purpose of providing a means to level out or balance any height irregularities of the object to be supported and to dampen or absorb vibrations placed on the object from the environment.

Brabson in view of Born disclose the claimed invention except for the limitations of the first vertical length of the main body member being substantially equal to the second vertical length of at least one upstanding wall member, the first vertical length being greater than the second vertical length, and the mount being of a polymeric material. Note the term "molded" is not afforded any patentable weight because it is a process of making an item as oppose to a structural limitation of the claimed invention. The alterations in the lengths are merely for aesthetics and would have been obvious to one having ordinary skill in the art the time the invention was made since no unpredictable results would have been yielded by the specific dimensions between the vertical lengths of the main body member and the upstanding wall.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the mount Brabson to have been a polymeric material, since such a modification would have merely involved substituting one well known material for another based on the materials suitability for the intended use.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brabson in view of Born and in further view of U.S. Patent 1,880,153 to Rosenzweig. Brabson discloses the claimed invention except for the limitation of vibration dampening material being defined by a cork material. Rosenzweig teaches a vibration dampening unit comprising a cork material (16) for absorbing or dampening vibrations. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vibration dampening material in Born to have been a cork material as taught by Rosenzweig for the purpose of providing an alternative mechanically equivalent material for absorbing and dampening vibrations of the mount.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brabson in view of Born and in further view of U.S. Patent 3,583,215 to Franz. Brabson in view of Born disclose the claimed invention except for the limitation of the vibration dampening material being defined by an elastomeric and cork configuration. Franz teaches an apparatus comprising a layer of vibration material (60), wherein the material is formed of a rubber and cork composite (Co. 4, line 14ff). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vibration dampening material in Born to have included a rubber and cork

configuration as taught by Franz for the purpose of providing an alternative, mechanically equivalent material for dampening vibration and since such a modification would have yielded any unpredictable results.

Claims 15, 17-20, 28, 46, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brabson in view of U.S. Patent 4,721,275 to Benton et al., hereinafter, Benton, and in further view of Born. Brabson discloses a mount (20) capable of supporting a furnace above the floor, comprising: an integrally formed main body member having a first surface adapted to engage the floor and a second surface spaced from the first surface, the main body member including a pair of integrally formed upstanding wall members (21) defining a locator portion to abut an outer surface of an object; wherein the locating portion includes two upstanding members that are oriented perpendicular to one another; wherein the first and second surfaces are substantially parallel; wherein the upstanding wall members extending substantially along two sides of the main body member; and wherein the two upstanding wall members have bearing surfaces.

Brabson discloses the claimed invention except for the limitation of a vibration dampening material located on the second surface. Benton teaches a mount having a main body including a first surface and a second surface, a vibration dampening material (34) constructed of cork material (Col. 2, line 7ff) and located on the second surface and a mounting screw (42) for securing the mount to the outer surface of the object (12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Brabson to have included the

vibration dampening material as taught by Benton for the purpose of providing a means for cushioning the mount.

Brabson in view of Benton disclose the claimed invention except for the limitations of the vibration material being elastomeric and an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface. Born teaches a mount (Fig. 2) having an integrally formed rigid main body member (22) having a first surface and second surface, a vibration dampening material (21) located on the second surface and is defined by an elastomeric material, an adherent component including an adhesive surface (21A) connected to the main body member and located proximate the second surface, wherein the adhesive surface is spaced from the second surface, the adhesive surface is substantially parallel to the second surface, and the vibration dampening component (21) is located between the second surface and the adhesive surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mount in Brabson combined with Benton to have included the vibration dampening material and adherent component as taught by Born for the purpose of providing an alternative, mechanically equivalent means for cushioning the mount and for providing an alternative, mechanically equivalent means for fastening the mount to the outer surface of the supported object.

Brabson combined with Benton and Born disclose the claimed invention except for the limitation of the main body member supporting the furnace about at least 2 inches above the floor. It would have been obvious to one ordinary skill in the art at the

time the invention was made to have modified the thickness of the main body in Brabson to have been of a dimension to have the supported object 2 inches from the floor since such a modification merely involves a change in size and since there is no criticality provided for this limitation.

Claims 21, 22, 51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,647,828 to Griswold in view of Brabson and Benton and in further view of Born. Griswold discloses a furnace (5) having a plurality of legs (6) disposed at each corner of the furnace. Griswold discloses the claimed invention except for the limitations of a plurality of mounts each having a rigid main body including first and second surfaces, a vibration dampening component having an outer adhesive surface, and integrally formed locating portions extending up from the second surface to abut an outer surface of the furnace. Brabson discloses a mount (20) capable of supporting a furnace above the floor, comprising: an integrally formed main body member having a first surface adapted to engage the floor and a second surface spaced from the first surface, and the main body member including a pair of integrally formed upstanding wall members (21) defining a locator portion to abut an outer surface of an object. Benton teaches a mount having a main body including a first surface and a second surface, a vibration dampening material (34) constructed of cork material (Col. 2, line 7ff) and located on the second surface and a mounting screw (42) for securing the mount to the outer surface of the object (12). Born teaches a mount (Fig. 2) having an integrally formed rigid main body member (22) having a first surface and second surface, a vibration dampening material (21) located on the second surface and is

Art Unit: 3632

defined by an elastomeric material, an adherent component including an adhesive surface (21A) connected to the main body member and located proximate the second surface, wherein the adhesive surface is spaced from the second surface, the adhesive surface is substantially parallel to the second surface, and the vibration dampening component (21) is located between the second surface and the adhesive surface. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the legs of the furnace in Griswold to have been replaced by the mounts as taught by Brabson combined with Benton and Born for the purpose of providing a means for dampening vibration of the furnace. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the mount in Brabson to have been polymeric since such a modification would have merely involved substituting one well known material for another based on the materials suitability for the intended use.

Response to Arguments

Applicant's arguments filed December 14, 2007 have been fully considered but they are not persuasive. The rejections advanced against claims 15, 17-22, 28, 29, and 45-53.

Applicant's arguments with respect to claims 5-12, 26, 30, 31, 34, 35, 40, and 43 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the rejection of claims 29, 45, 48, 50, and 52 under 35 U.S.C. 112, first paragraph, should be withdrawn, the outer adhesive is a mechanical fastener, this limitation is not narrowing the claim but rather eliminating a

previously claimed feature of the claimed subject matter. How can the mounts be coupled to the furnace if no mechanical fastener is present? The specification and drawings teach and show that the mounts are coupled (connected) to the furnace via a mechanical fastener (adherent component), further, the term "mechanical fasteners" lacks antecedent basis in the specification.

In response to applicant's argument that the combination of Brabson with Born would destroy the intended purpose of Brabson's plate, which is unattached to the office furniture leg, adding an adhesive component to the plate (20) in Brabson as taught by Born would not necessarily destroy the intended purpose of Brabson's plate, there are all types of adhesives (note the applicant does not specify in the claimed language what type of adherent component is used), the adherent component can be the type, such as double sided tape, that can attach and detach the coupling between two surfaces. Although Born teaches a pressure sensitive adhesive, it is known that double sided tape is a mechanically equivalent to a pressure sensitive adhesive and would have been obvious to substitute one for the other. Thus, the examiner believes this combination is valid and would not destroy the intended use of Brabson because using this type of adherent component would allow for the furniture leg 24 to be lifted and removed from the plate while the plate remains in place.

In response to applicant's traversal of the grounds of rejections, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change to their respective functions,

and the combination would have yielded predictable results to one of ordinary skill in the art at the time the invention was made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita M. King/
Primary Examiner, Art Unit 3632

July 8, 2008